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PATENT

Attorney Docket No.: 1253 CIP CON FWC 3 CON 2
(203-630 CIP CON FWC 3 CON 2)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Green et al.

Examiner: TBD

Serial No.: 10/753,248

Group Art Unit: TBD

Filed: January 8, 2004

Dated: March 28, 2005

For: **APPARATUS AND METHOD FOR APPLYING SURGICAL
STAPLES TO ATTACH AN OBJECT TO BODY TISSUE**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT


Sir:

Pursuant to Applicant(s) duty of disclosure, the information listed in the attached PTO/SB/08A and PTO/SB/08B forms are brought to the attention of the Examiner. The attached PTO/SB/08A and PTO/SB/08B forms list references that were previously cited in the parent application, U.S. Application Serial No. 09/957,620, filed September 20, 2001. In accordance with 37 U.S.C. §120, copies of the references can be obtained in the above-identified parent application. Copies of the U.S. patent documents are not provided in accordance with the waiver of that requirement under 37 C.F.R. §1.98.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited on date below with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: March 28, 2005


Jennifer Puente

The citation of the listed items is not a representation that they constitute a complete or exhaustive listing of the relevant art or that the references are prior art. The items listed are submitted in good faith, but are not intended to substitute for the Examiner's search. It is hoped, however, that in addition to apprising the Examiner of these particular items, they will assist in identifying fields of search and in making as full and complete a search as possible.

The filing of this information disclosure statement is not an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

- ☐ This information disclosure statement is being filed within three (3) months of the filing date of this application.
- ☐ This information disclosure statement is being filed within three (3) months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application.
- ☒ To the best of Applicant(s) knowledge, this information disclosure statement is being filed before the date of mailing of a first Office Action on the merits in connection with this case.
- ☐ Enclosed herewith is a certificate under 37 C.F.R. §1.97(e)(1).
- ☐ Enclosed herewith is a petition under 37 C.F.R. §1.97(d)(2).
- ☐ Enclosed by check is the petition fee of \$130.00. (37 C.F.R. §1.17(i)(1))
- ☐ Please charge the \$130.00 petition fee to Deposit Account No. **21-0550**.

- ☐ Enclosed by check is the \$180.00 fee required by 37 C.F.R. §1.17(p).
- ☐ Please charge the \$180.00 fee required by 37 C.F.R. §1.17(p) to Deposit Account No. 21-0550.
- ☒ Please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. §1.16 and/or 1.17 at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account 21-0550. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge Deposit Account No. 21-0550 therefor.

The claims of the application as now presented are believed to patentably distinguish over the prior art and to be in condition for allowance. Early and favorable consideration of the case is respectfully requested.

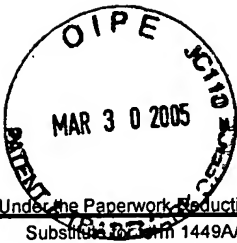
Respectfully submitted,



Dana A. Brussel, Esq.
Reg. No. 45,717
Attorney for Applicant(s)

Carter, DeLuca, Farrell & Schmidt, LLP
445 Broad Hollow Road
Suite 225
Melville, New York 11747
Tel.: (631) 501-5700
Fax: (631) 501-3526

DAB/jjp



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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Complete if Known

Application Number	10/753,248
Filing Date	January 8, 2004
First Named Inventor	Green et al.
Art Unit	3764
Examiner Name	Unassigned
Attorney Docket Number	1253 CIP CON FWC 3 CON 2 (203-630 CIP CON FWC 3 CON 2)

Sheet 1 of 9

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US-4,391,402	7/5/1983	Campbell et al.	
		US-4,347,847	9/7/1982	Usher	
		US-4,506,819	3/26/1985	Rand	
		US-4,573,622	3/4/1986	Green et al.	
		US-4,706,668	11/17/1987	Backer	
		US-5,147,373	9/15/1992	Ferzli	
		US-5,161,725	11/10/1992	Murray et al.	
		US-5,163,945	11/17/1992	Ortiz et al.	
		US-5,176,702	1/5/1993	Bales et al.	
		US-2,448,741	1/9/1948	Scott et al.	
		US-3,593,903	7/20/1971	Astafiev et al.	
		US-4,485,953	12/04/1984	Rothfuss	
		US-4,519,532	5/28/1985	Foslien	
		US-4,527,726	7/9/1985	Assell et al.	
		US-4,596,350	6/24/1986	Smith et al.	
		US-4,811,886	3/14/1989	Murray	
		US-4,887,756	12/19/1989	Puchy	
		US-5,049,152	9/17/1991	Simon et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
		0484677	5/92	EPO		

Examiner Signature	Date Considered
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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Sheet 2

of 9

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		US-5,156,609	10/20/1992	Nakao	
		US-5,220,928	6/22/1993	Odds et al.	
		US-5,222,975	6/29/1993	Crainich	
		US-5,240,163	8/31/1993	Stein et al.	
		US-5,246,450	9/21/1993	Thornton et al.	
		US-5,251,801	10/12/1993	Ruckdeschel et al.	
		US-5,381,943	1/17/1995	Allen et al.	
		US-4,454,875	6/19/1984	Pratt et al.	
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		US-4,887,601	12/19/1989	Richards	
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		US-4,391,402	7/5/1983	Campbell et al.	
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		US-5,246,156	9/21/1993	Rothfuss et al.	
		US-RE 28,932	8/17/1976	Noiles et al.	
		US-RE 33,362	10/2/1990	Mongeon et al.	
		US-389,660	9/1/1888	Mandel et al.	
		US-3,054,406	1/1/1962	Usher	

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		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
		0041022	12/81	EPO		
		116220	8/84	EPO		
		3301713	7/84	GERMANY		
		WO93/14706	8/93	WIPO		
		1164133	10/58	FRANCE		

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		Number-Kind Code ² (if known)			
		US-3,124,136	3/1/1964	Usher	
		US-3,314,431	4/18/1967	Smith, Jr.	
		US-3,494,533	2/10/1970	Green et al.	
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		US-3,763,860	10/9/1973	Clarke	
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		US-3,837,555	9/24/1974	Green	
		US-3,871,379	3/18/1975	Clarke	
		US-4,204,623	5/27/1980	Green	
		US-4,207,873	6/17/1980	Kruy	
		US-4,256,251	3/17/1981	Moshofsky	
		US-4,261,244	4/14/1981	Becht et al.	

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		1169438	12/58	FRANCE		
		0085930	8/83	EPO		
		2330182	1/75	GERMANY		
		2703529	8/78	GERMANY		

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		US-4,316,468	2/23/1982	Klieman et al.	
		US-4,317,535	3/2/1982	Huftel et al.	
		US-4,321,002	3/23/1982	Froehlich	
		US-4,347,847	9/7/1982	Usher	
		US-4,349,028	9/14/1982	Green	
		US-4,375,866	3/8/1983	Giersch et al.	
		US-4,399,810	8/23/1983	Samuels et al.	
		US-4,403,693	9/13/1983	Froehlich	
		US-4,406,392	9/27/1983	Campbell et al.	
		US-4,407,286	10/4/1983	Noiles et al.	
		US-4,452,245	6/5/1984	Usher	
		US-4,470,532	9/11/1984	Froehlich	
		US-4,485,816	12/4/1984	Krumme	
		US-4,489,875	12/25/1984	Crawford et al.	
		US-4,496,090	1/29/1985	Crevier et al.	
		US-4,505,273	3/19/1985	Braun et al.	
		US-4,509,518	4/9/1985	McGarry et al.	
		US-4,520,817	6/4/1985	Green	

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		Number-Kind Code ² (if known)			
		US-4,523,695	6/18/1985	Braun et al.	
		US-4,523,707	6/18/1985	Blake, III et al.	
		US-4,526,174	7/2/1985	Froehlich	
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		US-4,532,927	8/6/1985	Mikszs Jr.	
		US-4,550,715	11/5/1985	Santangelo et al.	
		US-4,562,839	1/7/1986	Blake III et al.	
		US-4,566,620	1/28/1986	Green	
		US-4,583,670	4/22/1986	Alvarado	
		US-4,591,086	5/27/1986	Campbell et al.	
		US-4,592,498	6/3/1986	Braun et al.	
		US-4,607,638	8/26/1986	Crainich	
		US-4,610,251	9/9/1986	Kumar	
		US-4,610,383	9/9/1986	Rothfuss et al.	
		US-4,616,650	10/14/1986	Green et al.	
		US-4,618,086	10/21/1986	Li et al.	
		US-4,619,391	10/28/1986	Sharkany et al.	
		US-4,624,254	11/25/1986	McGarry et al.	

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		US-4,634,035	1/6/1987	Li et al.	
		US-4,655,221	4/7/1987	Devereux	
		US-4,662,373	5/5/1987	Montgomery et al.	
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		US-4,664,305	5/12/1987	Blake, III et al.	
		US-4,665,906	5/19/1987	Jervis	
		US-4,671,279	6/9/1987	Hill	
		US-4,688,555	8/25/1987	Wardle	
		US-4,691,853	9/8/1987	Storace	
		US-4,706,655	11/17/1987	Krauter	
		US-4,719,917	1/19/1988	Barrows et al.	
		US-4,728,020	3/1/1988	Green et al.	
		US-4,747,531	5/31/1988	Brinkerhoff et al.	
		US-4,763,669	8/16/1988	Jaeger	
		US-4,784,137	11/15/1988	Kulik et al.	
		US-4,787,387	11/29/1988	Burbank, III et al.	
		US-4,789,090	12/6/1988	Blake III	
		US-4,802,478	2/7/1989	Powell	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	10/753,248
Filing Date	January 8, 2004
First Named Inventor	Green et al.
Art Unit	3764
Examiner Name	Unassigned
Attorney Docket Number	1253 CIP CON FWC 3 CON 2 (203-630 CIP CON FWC 3 CON 2)

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U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US-4,807,628	2/28/1989	Peters et al.	
		US-4,821,939	4/18/1989	Green	
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		US-4,838,884	6/13/1989	Dumican et al.	
		US-4,841,888	6/27/1989	Mills et al.	
		US-4,872,456	10/10/1989	Hasson	
		US-4,874,122	10/17/1989	Froelich et al.	
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		US-4,899,745	2/13/1990	Laboureau et al.	
		US-4,919,112	4/24/1990	Siegmund	
		US-4,919,152	4/24/1990	Ger	
		US-4,919,320	4/24/1990	Storace	
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		US-4,944,443	7/31/1990	Odds et al.	
		US-4,951,861	8/28/1990	Schulze et al.	
		US-4,978,049	12/18/1990	Green	
		US-4,997,436	3/5/1991	Oberlander	
		US-5,002,551	3/26/1991	Linsky et al.	

FOREIGN PATENT DOCUMENTS

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U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US-5,015249	5/14/1991	Nakao et al.	
		US-5,040,715	8/20/1991	Green et al.	
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		US-5,049,153	9/17/1991	Nakao et al.	
		US-5,071,430	12/10/1991	de Salis et al.	
		US-5,084,057	1/28/1992	Green et al.	
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		US-5,125,553	6/30/1992	Oddsens et al.	
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		US-4,296,751	10/1981	Blake, III et al.	
		US-4,603,693	8/1986	Conta et al.	

FOREIGN PATENT DOCUMENTS

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Application Number	10/753,248
Filing Date	January 8, 2004
First Named Inventor	Green et al.
Art Unit	3764
Examiner Name	Unassigned
Attorney Docket Number	1253 CIP CON FWC 3 CON 2 (203-630 CIP CON FWC 3 CON 2)

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NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. 1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		Article, Swain, C.P., Mills, T.N. "An Endoscopic Sewing Machine", Gastro-intestinal Endoscopy; 1986, vol. 32, No. 1, pp. 36-38.	
		Article, Swain, C.P., Brown, G.J. and Mills, T.N. "An Endoscopic Stapling Device: The Development of a New Flexible Endoscopically Controlled Device for Placing Multiple Transmural Staples in Gastrointestinal Tissue", Gastrointestinal Endoscopy, 1989, vol. 35, No. 4, pp. 338-339.	
		Publication Entitled "A Quick Stapler Tie-Over Fixation For Skin Grafts", by Haim Y. Kaplan, M.D., Ann. Plast. Surg., 22:173,1989, pp 173-174.	
		Publication Entitled "A Rapid and Effective Method of Skin Graft Stabilization in Burned Children", by J.B.Boyd et al., The Hospital For Sick Children, Toronto, Canada, 1982, pp. 400-401.	
		Publication Entitled "A Simple Bolster Technique For Skin Grafting", by Henry T. Hoffman, M.D. and Michael LaRouere, M.D., Department of Otolaryngology, University of Michigan, Laryngoscope 99, May 1989, p. 558.	
		M-D-D-I Report, Sep. 1991 Ethicon Endoscopic Staple for Hernia Repair.	
		Information Booklet for Auto Suture Ò Skin & Fascia Suture Ò Surgical Stapling Instruments, Instruments Corp.	
		Information Booklet for Auto Suture Ò Multifire Premium ä Disposable Skin Stapler and Disposable Loading Unit.	
		Publication Entitled Shape Memory Alloys From Scientific American Nov. 1979.	

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